

### **REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-13, 39-44, and 49-51 will be pending. By this amendment, claim 14 has been canceled; claims 1-10, 12-13, 39-40, and 42-44 have been amended; and 49-51 have been added. No new matter has been added.

#### **Objections to the Specification**

In Section 2 of the Office Action, the Examiner has objected to the Title. The Title has been replaced to obviate the objection.

#### **Objections to Claims 3 and 7**

In Section 4 of the Office Action, the Examiner has objected to claims 3 and 7 because of informalities. Claims 3 and 7 have been amended to obviate the objection.

#### **§102 Rejection of Claims 1-9, 12-14, and 39-44**

In Section 6 of the Office Action, the Examiner has rejected claims 1-9, 12-14, and 39-44 under 35 U.S.C. 102(e) as being anticipated by Martin *et al.* (U.S. Patent No. 6,272,484; hereinafter referred to as "Martin"). Claims 1-9, 12-13, 39-40, and 42-44 have been amended to address the rejection. Claim 14 has been canceled.

In the Background section of the Specification, it was disclosed that "[w]hen a color picture is digitized, it is necessary to distinguish white and black of each pixel of the photographed color picture corresponding to a threshold value. ... If a threshold value is much

higher than an optimum threshold value, as shown in Fig. 1C, the entire digitized picture becomes dark. In contrast, when a threshold value, as shown in Fig. 1D, the entire digitized picture becomes bright, thereby characters become illegible.” *Background of the Specification, page 2, line 18 to page 3, line 1.*

To solve this problem, embodiments of the present invention provide a capability to designate two different modes for a digital picture processing apparatus, such as a digital camera, where 256/512 grayscales are used for natural color images and two grayscales are used for text images. For example, the structure of apparatus claim 1, as presented herein, includes:

*“receiving means* for receiving a captured picture signal;

*picture processing means* for processing the received picture signal;

*mode designating means* for generating a signal that designates the processing of the received picture signal into a first mode or a second mode;

*determining means* for determining whether the received picture signal is a natural image or a text image, wherein the first mode is designated when the received picture signal is determined to be the natural image, and the second mode is designated when the received picture signal is determined to be the text image; and

*digitizing means* for digitizing the received picture signal using 256 gray scales or 512 gray scales when the first mode is designated, and using two grayscales when the second mode is designated.” (emphasis added)

Although it is indicated that Martin discloses a digital picture signal processing apparatus including picture processing means and mode designating means, Martin, however, fails to teach or suggest providing a capability to designate two different modes for a digital picture processing apparatus, where 256/512 grayscales are used for natural color images and two grayscales are used for text images.

Based on the foregoing discussion, it is maintained claim 1 should be allowable over Martin. Furthermore, since independent claims 2, 12, and 13 closely parallel, and include

substantially similar limitations as, independent claim 1, claims 2, 12, and 13 should also be allowable over Martin. Since claims 3-9 and 39-44 depend from claims 1 and 2, claims 3-9 and 39-44 should also be allowable over Martin. Claim 14 has been canceled.

Accordingly, it is submitted that the Examiner's rejection of claims 1-9, 12-14, and 39-44 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 10 and 11

In Section 20 of the Office Action, the Examiner has rejected claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Martin in view of Bouton *et al.* (*Inside Adobe Photoshop for Windows*, 1994; hereinafter referred to as "Bouton").

Since claims 10 and 11 depend from claim 1, and claims 10 and 11 should be allowable over Martin. Further, it was indicated that Bouton teaches enlarging means. Therefore, Martin and Bouton, in combination or individually, fail to teach or suggest providing a capability to designate two different modes for a digital picture processing apparatus, where 256/512 grayscales are used for natural color images and two grayscales are used for text images.

Based on the foregoing discussion, it is maintained claims 10 and 11 should be allowable over the combination of Martin and Bouton.

Accordingly, it is submitted that the Examiner's rejection of claims 10 and 11 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Newly-added Claims 49-51

Based on the foregoing discussion regarding claims 1 and 2, and since claims 49-50 and 51 depend from claims 1 and 2, respectively, claims 49-51 should also be allowable over the combination of cited prior art references.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-13, 39-44, and 49-51 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

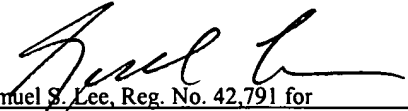
PATENT  
Appl. No. 09/772,150  
Attorney Docket No. 450100-02953

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

  
\_\_\_\_\_  
Samuel S. Lee, Reg. No. 42,791 for  
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800